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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,788	09/15/2003	Brian David Trotter	1454-CA (P279US)	9513

7590 04/23/2004
Winstead Sechrest & Minick P.C.
P.O. Box 50784
Dallas, TX 75201

EXAMINER

WILLIAMS, HOWARD L

ART UNIT	PAPER NUMBER
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2819

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,788

Applicant(s)

TROTTER ET AL.

Examiner

Howard L. Williams

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,9-12 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 4,5,7,8 and 13-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The references to the related applications mentioned on page one of the description should be updated to reflect their status and delete the attorney docket numbers.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 6, 9-12 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyomaki (US 5,008,675). Toyomaki discloses a PWM DAC which produces first and second PWM encoded data streams A and B with controlled earlier and later timing of the edges in order to produce the final analog signal with higher precision and better resolution, i.e. minimized distortion (col. 3, line 10). In the figures Toyomaki shows an adder 6 for adding the PWM signals, in column 8 line 65 Toyomaki discloses that the figure 2 arrangement can be realized using an analog adder. Thus, although not showing separate digital to analog conversion elements Toyomaki suggests their presence. Masuda in a parallel two path PWM DAC employs two low-pass filters (25, 26) to convert the PWM waveforms to analog form and subsequently sum them. Masuda also discloses the uses of oversampling and noise shaping circuitry (11, 12) at the input demonstrating the well recognized use of oversampling and PWM DACs because of their low complexity. It would have been obvious to incorporate the oversampling and noise shaping and simple continuous time DAC elements shown in

Masuda into the Toyamaki PWM converter because the recognized low complexity circuitry requirements for conversion.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leuthold (US 3,521,170) discloses digital transversal filtering using a shift register and resistive weighting elements to provide the filtering and conversion from digital to analog.

Claims 4, 5, 7, 8 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Howard L. Williams at telephone number 571.272.1815. The Patent and Trademark Office has a new central facsimile number for application specific correspondence intended for entry, it is 703-872-9306.

4/16/04
Voice 571.272.1815

Howard L. Williams
Howard L. Williams
Primary Examiner
Art Unit 2819